



A REGULAR MEETING OF THE WESLACO CITY COMMISSION

NOTICE IS HEREBY GIVEN THAT the City Commission of the City of Weslaco, Texas will hold a Regular Meeting in the Legislative Chamber of City Hall, located at 255 South Kansas Avenue, on Tuesday, March 15, 2011 at 6:00 p.m. for the purpose of discussing the following items:

I. CALL TO ORDER

- A. Roll Call/Establish a Quorum.
- B. Certification of Public Notice
- C. Invocation.
- D. Pledge of Allegiance.
- E. Mayoral Proclamations.

II. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of Minutes of the Regular Meeting of March 1, 2011. Attachment.
- B. Approval of the lease agreement with the Weslaco Softball/Baseball League through December 31, 2011 to continue providing organized recreational activities at Softball Fields #1, 2, and 3 and concession stands at Weslaco City Park. Attachment.
- C. Approval of the request by Los Pentecostales de Weslaco to use the Civic Center (former Commission Room at Old City Hall) on Wednesday, May 4 and Thursday, May 5, 2011 to prepare and host a National Day of Prayer and waive all fees associated with the event. Attachment.
- D. Approval of a letter of support of an application by Hidalgo Sr. Housing, L.P. for Housing Tax Credits with the Texas Department of Housing and Community Affairs for new construction of an apartment community comprised of 120 units to serve elderly households proposed at the northwest corner of Mile 6 Road and Mile 2 ½ Road and authorize the Mayor to sign the letter. Attachment.

III. APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2011-11 and Resolution No. 2011-12 to appoint two members to the Ambulance Advisory Board. Possible action. Attachment.

- B. Discussion and consideration to approve Resolution No. 2011-13 to appoint a member to the Planning and Zoning Commission. Possible action. Attachment.
- C. Discussion and consideration to approve Resolution No. 2011-14 to appoint a member to the City of Weslaco Arts Council. (Item as requested by Mayor Miguel D. Wise.) Possible action. Attachment.

IV. NEW BUSINESS

- A. Discussion and consideration to select the best qualified, most advantageous proposal as vendor for basic network maintenance, internal connections, and other computer services submitted in response to the Request for Proposals under E-rate Year 14 and authorize the Mayor to execute a contract with the selected vendor. Possible action. Attachment.
- B. Discussion and consideration to authorize staff to apply to the AmeriCorps Youth Harvest program to allow high school seniors to tutor and mentor at the Library at no cost to the City of Weslaco. Possible action. Attachment.
- C. Discussion and consideration to amend the City of Weslaco Comprehensive Plan Chapter 5, Transportation Thoroughfare Plan, to designate Mile 10 North between Westgate Drive and F.M. 1015 and Mile 6 West (Westgate Drive) between Mile 10 North and Mile 9 (Sugarcane Drive) from a Minor Arterial to a Major Arterial to include 120 feet of Right-of-Way and authorize the Mayor to execute the any related documents. Possible action. Attachment.
- D. Discussion and consideration to accept the preliminary plan set for the proposed roadway improvements for U.S. 281-Military Highway from FM 493 to FM 88 as prepared by the Texas Department of Transportation and authorize the Mayor to execute the mylar title sheet for inclusion in the final plan set. Possible action. Attachment.
- E. Discussion and consideration to approve Annex C with Appendices 1-4 to the City of Weslaco Emergency Management Plan in compliance with state mandate as well the Community Safe Room Operations Plan. Possible action. Attachment.
- F. Discussion and consideration to accept the donation of furniture, cabinets, and miscellaneous items from the U.S. Marshall's Office of Brownsville, Texas and authorize an inventory adjustment as appropriate. Possible action. Attachment.
- G. Discussion and consideration of Resolution No. 2011-15 to identify the current City Commissioners and other appropriate staff as authorized signatories for legal, financial documents with BBVA Compass Bank and

authorize the execution of any related documents by members of the Commission. Possible action. Attachment.

- H. Discussion and consideration to approve a budget amendment in an amount not to exceed \$24,723.84 for term coverage on Medical Professional Liability & General Liability insurance. Possible action. Attachment.
- I. Discussion and consideration to increase the contract amount for consulting services by Garcia & Pena, CPAs by \$3,916.25 for additional accounting services needed to complete the audit and authorize a budget amendment as needed. Possible action. Attachment.
- J. Discussion and consideration to submit 2011 Scoring Criteria on financial transparency to the Texas Comptroller Leadership Circle and authorize the Mayor to execute any related documents. Possible action. Attachment.
- K. Discussion and consideration to extend the term of the existing 125 Cafeteria Plan policies for City of Weslaco employees for an additional year at no cost to the City. Possible action. Attachment.
- L. Discussion and consideration to approve the Intergovernmental Cooperative Agreement with the Palm Valley Animal Center to continue participating in the operation of a regional animal shelter at a fee of \$65.00 per animal and authorize the Mayor to execute the agreement. Possible action. Attachment.
- M. Discussion and consideration to approve the Demand Response Sales and Service Agreement with EnerNOC, Inc. effective June 1, 2011 for a period of 62-months to receive revenue for being available to reduce electricity consumption, authorize a budget amendment upon receipt of funds, and authorize the Mayor to execute the agreement. Possible action. Attachment.
- N. Status reports:
 - 1. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.
 - 2. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities. Attachment.

V. CITY MANAGER'S REPORT

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments. Attachment.
- B. Report on Performance Measures through the International City/County

Management Association (ICMA).

- C. Report on Parks and Recreation program. Attachment.
- D. Report on Westgate Drive street improvements and Texas Boulevard traffic light synchronization by the Texas Department of Transportation (TxDOT).
- E. Report on Mid-Valley Day on March 9 during the Legislative Session in Austin.
- F. Report on 2011 Municipal Election.

VI. PUBLIC COMMENTS

The Public Comments portion of the meeting promotes a fair and open process for the governance of the City. This portion of the meeting is not intended to be an extended discussion or a debate and is limited to three minutes for each presenter. The Mayor and City Commissioners do not reply; they listen. Matters under litigation are not to be addressed and comments regarding specific City employees and elected officials may be prohibited.

If you are discussing something not included on the agenda, the Commission cannot take any formal action until it is placed on an agenda and notice of the meeting is properly posted. Registration for Public Comments must be submitted to the City Secretary before the City Commission meeting is called to order. As the Mayor calls upon those who submitted a registration form with the City Secretary, please step to the podium and state your name and address before beginning your presentation.

VII. EXECUTIVE SESSION

Texas Government Code, Section 551 Open Meetings:

§551.145. Closed Meeting Without Certified Agenda or Tape Recording; Offense; Penalty

(a) A member of a governmental body commits an offense if the member participates in a closed meeting of the governmental body knowing that a certified agenda of the closed meeting is not being kept or that a tape recording of the closed meeting is not being made.

(b) An offense under Subsection (a) is a Class C misdemeanor.

§551.146. Disclosure of Certified Agenda or Tape Recording of Closed Meeting; Offense; Penalty; Civil Liability

(a) An individual, corporation, or partnership that without lawful authority knowingly discloses to a member of the public the certified agenda or tape recording of a meeting that was lawfully closed to the public under this chapter:

(1) commits an offense; and

(2) is liable to a person injured or damaged by the disclosure for:

(A) actual damages, including damages for personal injury or damage, lost wages, defamation, or mental or other emotional distress;

(B) reasonable attorney fees and court costs; and

(C) at the discretion of the trier of fact, exemplary damages.

(b) An offense under Subsection (a)(1) is a Class B misdemeanor.

(c) It is a defense to prosecution under Subsection (a)(1) and an affirmative defense to a civil action under Subsection (a)(2) that:

(1) the defendant had good reason to believe the disclosure was lawful; or

(2) the disclosure was the result of a mistake of fact concerning the nature or content of the certified agenda or tape recording. [Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.]

NOTE: Any documentation related to the following items will be distributed during Executive Session as part of the certified agenda; such documents may be available to any member of the Commission for advance inspection through the City Secretary's Office.

- A. Pending Litigation – Consult with City Attorney regarding suit 2011-DCL-01375, *Aurora Perez Lopez, Homero Lopez, McQueen Produce Corporation v. City of Weslaco and Officer David Ponce in his Official Capacity and Individually and the Fourteen Unknown John Does*

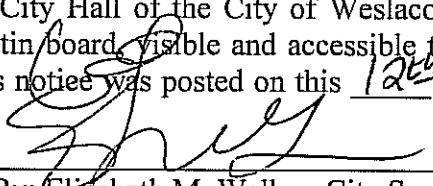
pursuant to §551.071 of the Texas Government Code.

- B. Consultation – Consult with City Attorney regarding the legal issues raised in connection to cancelling the agreements with Meridian Solar and Sigler Winston Greenwood & Associates on the Photo Voltaic Solar Array Project as authorized by §551.071 (2) of the Texas Government Code.
- C. Consultation – Consult with City Attorney regarding the legal issues raised in connection with a new stormwater drain outfall line at Walgreens as authorized by §551.071 (2) of the Texas Government Code.
- D. Consultation – Consult with City Attorney regarding the legal issues raised in connection with possible application termination by the Texas Division of Emergency Management for Hazard Mitigation Program Grants as authorized by §551.071 (2) of the Texas Government Code.
- E. Economic Development - Discussion with the City Manager to authorize economic incentives through The Economic Development Corporation of Weslaco to locate a business prospect in Weslaco as authorized by §551.087 of the Texas Government Code.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

IX. ADJOURNMENT

I hereby certify this **Notice of a Regular Meeting of the Weslaco City Commission** was posted in accordance with the Open Meetings Act at City Hall of the City of Weslaco, located at the 255 South Kansas Avenue entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on this 12th day of March, 2011 at 12:30 a.m./p.m.


By: Elizabeth M. Walker, City Secretary
City of Weslaco

NOTE: If any accommodation for a disability is required, please notify the City Secretary's Office at (956) 968-3181, Ext. 3100 prior to the meeting date.